

REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action dated May 4, 2006. At that time, claims 1-12, 17-27, 31-33, and 35-37 were pending in the application. (Claims 13-16, 28-30, 34 and 38-43 were withdrawn in response to a prior restriction requirement.) In the Office Action, the Examiner rejected claims 1-7, 9-12, 17, 22-27, 31-33, 36, and 37 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Reissue No. 29,753 to Jaconnette (hereinafter “Jaconnette”). Claims 3-5, 8, and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaconette in view of U.S. Patent No. 3,523,299 to Tinnermann (hereinafter “Tinnermann”). Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaconette in view of U.S. Patent No. 3,140,071 to Lorentzen (hereinafter “Lorentzen”).

By this paper, minor amendments have been made to claims 18-20 to correct typographical errors. These are non-limiting amendments that are made to improve the form of the claims. Applicants have also amended claims 1 and 17 to address the rejections under §§ 102 and 103. Favorable consideration is respectfully requested.

I. Rejection of Claims 1-7, 9-12, 17, 22-27, 31-33, 36 and 37 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-7, 9-12, 17, 22-27, 31-33, 36, and 37 under 35 U.S.C. § 102(b) as being anticipated by Jaconnette. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

In the present case, independent claim 1 recites that “a retaining member constructed such that when the fastener passes through the bracket, the fastener engages the retaining member and causes the bracket to retain the fastener.” Claim 17 has a similar claim element

which requires a “retaining member comprising retaining tabs, the retaining tabs constructed such that when the fastener passes through the bracket, the fastener pushes apart the retaining tabs and causes the bracket to retain the fastener.” Contrary to the Examiner’s assertions, element “64” in Jaconnette does not satisfy this claim language. Specifically, element “64” is a rolled tip that allows electrical contact with the fastener as a means for providing a grounding path between electrical fixtures and their mounting boxes. There is no disclosure or teaching in Jaconnette that this rolled tip retains a fastener. Accordingly, as this claim element is not taught, this basis alone provides a sufficient grounds for allowance of the claims over Jaconnette.

Moreover, claims 1 and 17 have been amended to recite that “the bracket encloses an airbag or a tether when positioned on a vehicle.” Support for this limitation is found throughout Applicants’ specification and is shown in the drawings in Figures 1 and 6. Jaconnette does not teach or disclose anything related to enclosing an airbag or tether. Accordingly, this element of the claims is clearly not satisfied.

As Jaconnette fails to disclose all of the elements found in independent claims 1 and 17, this reference cannot anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested. With respect to dependent claims 2-7, 9-12, 22-27, 31-33, 36 and 37, these claims depend either from claim 1 or 17. Accordingly, these claims are allowable over Jaconnette for the same reasons as set forth above for claims 1 and 17. Withdrawal of these rejections is respectfully requested.

II. Rejection of Claims 3-5, 8, 18-21, and 35 Under 35 U.S.C. § 103(a)


Claims 3-5, 8, and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaconnette in view of Tinnermann. Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaconnette in view of Lorentzen. These claims are dependent claims that depend from either claim 1 or claim 17. It is well settled that if an independent claim is allowable, then all claims that depend from that allowable claim are similarly allowable. *See* MPEP § 2143. As discussed above, claims 1 and 17 are allowable. Accordingly, all dependent claims, including claims 3-5, 8, 18-21, and 35, which depend from either claim 1 or claim 17 are also allowable. Withdrawal of these rejections is respectfully requested.

III. Conclusion

In the prior restriction requirement, the Examiner indicated that claims 1-12, 17-27, 31-33 and 35-37 were generic claims. For the reasons set forth above, these generic claims are allowable. Accordingly, as there is at least one allowable generic claim in the present case, the claims that were withdrawn in the prior restriction requirement, including claims 13-16, 28-30, 34 and 38-43, are entitled to consideration under 37 C.F.R. § 1.141.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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